

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	1611	Customer No.: 035811
Examiner	:	Gina C. Yu	
Serial No.	:	10/785,237	
Filed	:	February 24, 2004	
Inventors	:	Yves Millou	Docket No.: 1026-04
	:	Katia Fontes	
	:	Cécile Tourel	Confirmation No.: 1050
Title	:	COSMETIC COMPOSITION COMPRISING AN ESSENTIAL OIL EXTRACTED FROM HELICHRYSUM ITALICUM	

Dated: June 19, 2009

RESPONSE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action mailed January 22, 2009.

Claims 1-3, 7-8, 10, 14-16 and 19-24 are pending. Claims 1-3, 7-8, 10, 14-16 and 19-24 are rejected.

Claims 1-3, 8, 14-16, 20 and 22-24 are rejected as obvious under 35 USC §103(a) over the combination of Amrita and Spina.

Claims 7, 10, 19 and 21 are rejected as obvious under 35 USC §103(a) over the combination of Amrita, Spina and US '954.

Claims 1-3, 8, 14-16, 20 and 22-24 are not obvious under 35 USC §103(a) over the combination of Amrita and Spina.

Claims 7, 10, 19 and 21 are not obvious under 35 USC §103(a) over the combination of Amrita, Spina and US '954.

This is because the Applicants submit evidence of nonobviousness by way of Exhibits 1, 2 and 3 (enclosed) which shows the claimed compositions produce unexpected results. The results of Exhibit 1 demonstrate in an art accepted model for protein glycation induced aging the claimed compositions, as tested, efficiently prevent protein glycation such as that associated with aging. The results in Exhibit 2 demonstrate in an art accepted human epidermis model the

claimed compositions, as tested, have significant anti-free radical formation activity and inhibited lipoperoxidation as assessed using a malonaldehyde based assay to measure lipoperoxidation. The results in Exhibit 3 demonstrate in the claimed compositions, as tested, stimulate collagen III synthesis and maturation in human dermal fibroblasts. All the results obtained are entirely unexpected relative to the knowledge in the art and the disclosure of Amrita, Spina and US '954 cited in the rejections. Thus, the compositions of Claims 1-3, 8, 14-16, 20 and 22-24 are not obvious over the combination of Amrita and Spina, and the compositions of Claims 7, 10, 19 and 21 are not obvious over the combination of Amrita, Spina and US '954 because these compositions produce unexpected results.

The Applicants respectfully request the withdrawal of the rejections under 35 USC §103(a).

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,


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